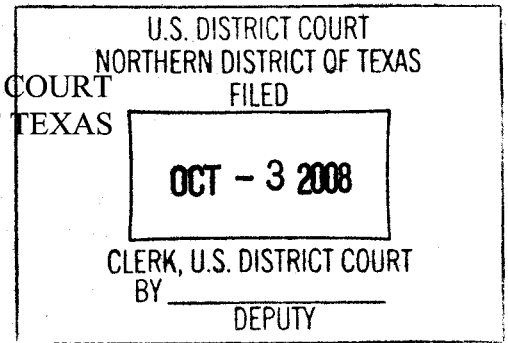


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



JOE CARL VALDEZ, SR.,

Petitioner,

v.

NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:08-CV-0144

**ORDER DENYING REQUEST TO RE-DESIGNATE,
ADOPTING REPORT AND RECOMMENDATION and
DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS**

Came for consideration the Petition for a Writ of Habeas Corpus by a Person in State Custody filed by petitioner. On September 10, 2008, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending petitioner's habeas application be dismissed as it failed to present a cognizable ground for relief. Petitioner filed "objections" to the Report and Recommendation on September 17, 2008. Said "objections," however, do not challenge the Magistrate Judge's findings or recommendation, rather, by his "objections," petitioner requests that his form federal habeas corpus application be re-designated as a civil rights complaint under 42 U.S.C. § 1983.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's request to re-designate the pending federal habeas corpus application as a federal civil rights complaint is hereby DENIED. If petitioner wishes to initiate a proceeding in this Court alleging a violation of his civil rights under 42 U.S.C. § 1983, he shall submit to the Court a properly completed form complaint adopted by the United States District Court for the Northern

District for allegations of civil rights violations, without reference to the above cause number assigned for this habeas corpus proceeding. Petitioner shall submit with his complaint, if appropriate, an application to proceed *in forma pauperis* together with a current *in forma pauperis* data sheet from the institution in which he is confined. Based on the record in this habeas corpus proceeding, the Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner is hereby DISMISSED.

IT IS SO ORDERED.

ENTERED this And day of October 2008.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE